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THE GENUINE

TRYAL

O F

Dr. NOSMOTH,

A

Physician in PEKIN;

F O R

The Murder of the MANDARIN
TONWIN, Treasurer to the Army of
the Emperor of CHINA, before the great
Council of MANDARINES.

T A K E N

In short Hand by the LINGUIST of the
English Factory.

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T H E
I N T R O D U C T I O N .



BEFORE we enter upon this remarkable Tryal, it will not be improper to inform the Reader of some Customs amongst the *Chinese*, which differ from those in other Countries of *Europe*.

Those People are great Encouragers of all useful Learning ; which they endeavour on all Occasions, to turn to the Benefit of the publick in general, and the Ease and

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Happiness of every individual Subject in that vast Empire.

There are publick Schools in all the Provinces and great Cities of the Empire, for the Education of Youth in the liberal as well as mechanick Arts; where the Genius of the Children are carefully studied and improved in those Arts to which Nature seems to have given them the strongest Bent without consulting the Whim or Pride of the Parents; by this means, it's no rare thing to see the Son of a Nobleman drudging at the meanest Handicraft; and that of a Peasant shining in the highest Orb of Life.

Birth, Title, or Riches, give amongst these people no Claim to the smallest Preferment; Merit only recommends the Man to Encouragement in that Sphere of Life, to which his natural Genius has fitted him.

When a vacancy in any of the Offices happens, the Candidates are chosen out of the publick Schools; and the Person fittest for the Employment always is chosen, without Respect of Persons.

In

In this Country, the *Physician* is a very considerable Office; not only in the Emperor's Court, but in that of all the *Mandarines* or great Governors and Officers of State.

Before any Man is preferr'd to the Office of Physician, either to the Sovereign or to any of his great Men, he undergoes a strict and impartial Examination, as to his Knowledge of the Theory and Practice of Physick, as well as of the other Branches of Learning, which are necessary to compleat the wise Physician.

The Examiners are not those of his own Profession; but the Great Council of *Mandarines*; who are Men who have been found universally qualified in all the Branches of humane Literature, before they were admitted to be of this Council; which is the supream Council of the Empire, and some what resembles our House of Peers, only they seem to be vested with much higher Powers.

When

When the Person so examin'd is found qualified, he has a Certificate sign'd by the President of the Court, which empowers him to practice, as a Doctor under the Regulations which are prescribed by it ; from whence, he must deviate, upon no Account under the Pain of Death.

The Physicians, are held in great Esteem and Veneration ; are there modest in their Behaviour ; of strict morals, and universal Benevolence, most of them observe as great a Chastity of Manners, as the Clergy ; and value themselves upon their Piety and the Veneration of the Gods, whose Worship they think it is the Duty of their Function to propagate, as much as if they were daily at the Altar : They are Men of good Nature and Humanity, and abound in Acts of Beneficence and Charity ; Opportunities to exercise which, they covet as much as Employment in their Profession : They dare not refuse to attend the meanest Person who calls for their Assistance ; and if a Beggar, send for a Physician, before a *Mandarin*, he must go to the Beggar, tho' the

the *Mandarin* should be in never so much Want of him; and the good natured Man, not only assists his Patient with his Counsel, but supplies his Wants.

When the Physician, attends on a Patient, he enters upon a Book his Case, with every minute Circumstance relating to the Distemper; together with the Medicines administered and their Effects during the whole Process; whether the Patient dies or Lives, this Book, he is obliged to return within a limited Time, to an Office kept for that Purpose. If he upon any Occasion falsifies the Case, or has gone out of the ordinary, Course of Practice, if any Accident happens to the Patient he is surely punished.

The Emperor's Physicians are always put to Death when he dies; and those of other Persons, are try'd by the Court of Mandarines, upon Application of the Friends of the deceas'd, and put to death or otherwise punish'd according to the Nature of their Crime, from whence we may judge, that it is a
very

very dangerous thing, to be of that Profession in this Country; however there are but few Instances where the Physicians of private Persons have been put to death; as a Pretence to the Knowledge of Physick, rashness or Impudence, will not in this Country, obtain a *Diploma*, none but Men of Merit are of the Faculty: These are obliged to make Conscience of their Business; and dare not venture to try Experiments; there are no Apothecary's whose Interest the Doctor has Occasion to consider in the *Recipe*; he prepares the Medicine himself, and is too much interested in the Success, to give any more than he thinks necessary; the Officinals in their Dispensary, are so few, that you may write them all on a quarter of a Sheet of Paper; and he never makes a Bill for his Druggs? but is paid so much a Visit, whether he gives any Physick or not. Thus he is not under the least Temptation to make an Apothecarys Shop of his Patient's Belly; but carefully watches Nature; and assists her when she is weak to the best of his Skill; but leaves her to her self, when she is strong enough to

to bring about her Designs without his Aid.

Before the present Tryal, there had not been one at *Pekin*, for near twenty Years; which made this make a considerable Noise through the whole Empire: The Patient happened to be the *Mandarin* T O N W I N ; a Man of great Authority, much esteemed and trusted by the Emperor; who had made him Treasurer to his Army; by whom he was not less loved than by the People in General; as he did Justice to the first, in their Pay, and promoted the Interest of the last to the utmost of his Power; he was a Friend to Mankind in General, but particularly to the virtuous, and thought that Day ill-spent wherein he had not given them Proof of his Humanity and Bounty: The Death of this great Man, so universally esteemed, was somewhat sudden; and his Physician was blamed by some, tho' not by the *Mandarines* nearest Friends; however, it was whispered about, that he had deviated from the Rules laid down by the great Council of *Mandarines*; and by
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the Malice of the Doctor's Enemies, the Clamour became publick ; in so much, that the great Council, ordered the Register of the Case to be inspected ; and the *Senescal* was ordered to draw up an Accusation against the Doctor ; with a Copy of which he was served and taken into Custody ; and a Time appointed for a solemn Tryal before that High Tribunal.

People were variously affected with the Preparation for the Tryal ; some thought the Doctor guilty ; others thought him innocent ; and this only the Effects of the secret Machinations of his Enemies : Those of his own Profession, for what Reason I am not able to learn, were his most open Enemies ; and thought by all to be his secret Accusers ; however, the Doctor seem'd not at all dismay'd ; but hugg'd himself in reflecting on his own Innocence, which comforted him the more, that he had not the least Suspicion, that the high Tribunal, before which he was to be try'd, would mix any Partiality in their Sentence.

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I have taken Care to use as few *Chinese* Terms of Law as possible; and have chose such *English* Words, as seem'd to come nearest to the Meaning of the Original; and in order to make the whole more comprehensible to an *English* Reader, I have all along substituted some *English* Forms, where I could with Propriety, especially were they served to make the Tryal more Intelligible.



T H E

T R Y A L, &c.

ON the Day appointed for the Tryal, the great Council of Mandarins assembled in a great Hall, in the second Court of the King's Palace, the President was seated on a Throne, under the Ca-
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nopy of State ; the Ensigns of his high Office being carried before him, and attended by twenty four Officers with drawn Sabres in their Hands, who stood round the Steps of the Throne ; the rest of the Mandarins were ranged on each Hand of him in their Robes of Honour. Silence being commanded in the Name of the Emperor, the Prisoner was brought to the Bar, to which he approached by making three Obeysances, and then lay prostrate on his Face, till the President commanded him to rise ; acquainting him, that he had nothing to fear but his own Guilt ; for if that was not found in him, the Court would not only acquit him, but load him with new Honours ; after a short Speech to this Purpose, Silence was again commanded, and the *Mandarin* Secretary, was ordered to read his Indictment ; which was conceived in Words to this Effect.

You *Nosmoth*, Doctor of the Divine Science of Physick, stand indicted before this Sovereign Court, at the Suit of our
Sove-

Sovereign Lord the most High, mighty, and Puissant Emperor, *Abdaer* Emperor to the World, Lord of Vast Territories, Commander of Kings, and Beloved of the Sun, to whom all are Slaves &c. &c. For, that you not having the fear of the Mighty Gods before your Eyes, but being Instigated thereto, by the Suggestion of the Black Angel, who Commandeth the Burning Lake; and with malice in your Heart, and out of Envy and premeditated spite, to the Great *Mandarin Tonwin* Slave of our Great Emperor, and Treasurer of his Invincible Armies, Didst on the Sixth Day, of the Second Month, of the Year of our Empire, six thousand seven hundred and forty six, conspire and contrive the Death of the said *Mandarin*; that is on one or other of the Days of the said second Month; thou didst maliciously, with a certain Instrument made of Steel, called a *Lancet*, stab the said *Mandarin* in the right and left Arm, and didst take from him, a large Quantity of his Blood, to the amount of fifty seven Ounces; and likewise didst prevail with the said *Mandarin*

darin, by false unreasonable, and scandalous Suggestions, to swallow certain Quantities unknown, of poisonous Drugs, for sixteen or seventeen Days together; and likewise caused during the said Space of Time, to be introduced into the *Anus*, (Anglice A——se,) of the said Mandarin, a certain Machine, call'd a Clister-Pipe, through which was squeezed a certain further Quantity of poisonous Drugs, into his Bowels; and contrary to the Duty of your Profession as a Physician, ordered the said Mandarin, then your Patient, to eat of Meats and Drinks, improper for his Condition, and neglected to administer such Medicines, as you knew by the Help of the great God Paphor,* would have restored him to Health; by all which your Acts of Malice, before-mentioned, you permitted the Angel of Death, to carry away the said *Mandarin*; by which Means our great Emperor, has lost a faithful Slave, the Empire an useful Member, and the distressed a great Protector; this
is

* The God of Physick amongst the *Chinese*.

is your Accufation, are you Guilty or not Guilty.

Council for the Prifoner.

My Lord Prefident, before we, that have the Honour to be of Council for the Prifoner, can permit him to plead, we humbly beg Leave to offer fome Reasons to the auguft Court, why an Indictment in this Cafe does not lye againft our Client, we humbly apprehend, that the Consent of the Friends of the Deceased, ought to have been fpecified in the Indictment, fince the great Mandarin, the Manner of whole Death is now in Queftion, is not of the Blood Royal; there never has been an Inftance before, where a Phyfician has been tried, but upon the Application of the Friends of his Patient: This is introducing an unheard of Practice, and fubjecting the Gentlemen of that Profeflion, to uncommon Hardfhips; who are already but too much at the Mercy of the designing and malicious: We have an Affidavit ready to read to your Lordfhips, fign'd by the neareft agnat of the deceas'd

Lord

Lord ; wherein they disclaim the Prosecution, and express their Satisfaction ; both of the Skill and Integrity of our Client ; therefore we hope this august Court will quash this Indictment.

Council for the Emperor,

My Lord, We are not a little surpriz'd to find the Council for the Prisoner, make such an extraordinary Motion ; when they must certainly know, what gave Rise to this Tryal : The Prisoner at the Bar, in Conversation with some of his own Profession, found that they did not approve of his Method in this Particular ; he was offended at their pretending to find Fault with his Practice ; which he asserted he could justify ; This produced a Dispute amongst them, in which he thought he was scandaliz'd, and brought his Complaint before this Court, for the Scandal : Your Lordships did not think fit to try the Cause upon that footing, but to come at the Bottom of the whole Affair, order'd the Emperor's *Seniscal* to prosecute in this Manner.

Thus

Thus the Tryal was at first brought on by the Doctor himself; which he now declines, why? because it's not in the Shape he projected, which shews a more than ordinary Kind of Obstinacy in his Temper, an Ingredient very unfit to compose a Physician.

But my learned Brother is likewise mistaken in Point of Law; Tho' we have not the Precedents he mentions; yet it's founded on the Nature of Things: The august Emperor has an Interest in the Life of every Subject; and is in Reality in the Quality of Father to each of them; and often more a Parent than their own natural Fathers: Does he not in all other criminal Cases, prosecute without the Consent of the Party damag'd; why may he not then in this? Unless the Physicians claim a Priviledge not common to the rest of the Subjects of this Empire.

The Court, after a short Debate, overruled the Objection to the Indictment; and

and ordered the Prisoner to plead; he thereupon pleaded not guilty; and submitted to the Judgment of the Court.

Here the Court broke up and adjourned the farther hearing to next Day, when the learned Body being again assembled, in Court, and the President seated in the Formalites as before gave Orders for proceeding on the Tryal, which was accordingly done by the Council for the Emperor, who rising up opened the Case as follows,

Council for the Emperor.

My Lord, the Prosecutors for his Imperial Majesty, are so far from taking any rigorous Advantage of the learned German at the Bar, that they are resolved to try the Cause upon his own State of the Case now in the *Mandarin* Secretary's Hand: They are to suppose, that he has according to his Duty, fairly stated the Symptoms of the Disease, under which his Right Honourable Patient laboured; and that he has given a just Account of the
Medicines

Medicines he ordered to be administred in order to effectuate a Cure; and from this his own State of the Facts, we hope to convince this august Court, that the Doctor, has followed a Practice, quite different from those prescribed by your Lordships in similar Cases; apply'd Medicines improper for the Patient's Distemper; and in every Circumstance, acted, as if he rather intened, to increase the Malady, than save his Patient's Life; we shall make it appear, that the Doctor instead of assisting Nature, has endeavoured to convert the Order of Things, and obstructed her as much as lay in his Power; and we shall likewise make it appear beyond Conjecture, that the Method used with the Patient, during the Process of his Illness, hasten'd his End, much more than the Fever it self: Out of Respect to the *Diploma* issuing out of the Court, which entitled the learned Gentleman to practice the divine Science of Phisick, we dare not attribute his Misconduct to Ignorance; Charity forbids us to suppose it Malice; and good Manners hinders

us to use the Word Obstinacy; but to whatever Motive we may ascribe it the Facts are incontestable, and the Effects have been fatal to the noble Lord once an illustrious Member of this great Court.

Your Lordships, will observe from the Case, that a reumatick Fever, attended with Pains in the Limbs and a sore Throat, was the Disorder which afflicted the *Mandarin* TONWIN, and there never was during the seventeen Days which the Fever lasted, any thing else administred, to obtain a Cure; but Bleeding and Purg- ing; how far that was proper in the Patients Circumstances, we shall very soon determine, we are to observe, that from the Beginning of the Doctors Attendance, the Patient shewed a great Disposition to sweat; especially in the Night-time, when it was sometimes according to the Doctors Report, to Excess. This My Lord, we look upon as an Attempt of Nature, to get rid of the malignant feverish Matter, which oppress'd her, by Means of Perspiration; and is by all Physicians, looked

looked upon as the most common as well as the most natural Crisis of all feverish Disorders; it was my Lord the Doctors Duty, to have taken hold of this favourable Disposition of Nature, to have assisted her, by giving Medicines which would have provoked Perspiration: But he followed a quite different Course; he willfully obstructed the Grand Physician; instead of encouraging the Sweat, he made the Patient get out of Bed to avoid it; seem'd obstinately bent to obtain a Cure by nothing but purging and bleeding.

As to the purging, he alledges the Patient was costive; we admit he was; but does it follow from thence, that he must be purged for seventeen Days together: The harder the Patient was to work upon, the greater Reason the Doctor had to desist purging; especially using any Medicine that would inflame the Bowels, which Jallop certainly does; purging naturally weakens the strongest Constitution, without the Assistance of an acute Distemper; but how weak must

that Patient be, who suffer'd the Weight of both, and another Evacuation as destructive of natural Strength as the other, *viz.* Bleeding. As to the Bleeding, the Doctor would insinuate from this Case, that he could not take too much Blood from the Patient, since notwithstanding the monstrous Quantity taken, the Vessels seemed overcharged, and it burst out at the Nostrils; but the Doctor is not aware that two Causes absolutely different, will produce the self same Effect as too great a Quantity of Blood may produce an Hemorrhage; and too small a Quantity the same; in the one Case the Vessels are distended beyond their proper Tone, and in the other as much below it; which was certainly the Case of the honourable Patient unhappily the Subject of the present Debate; the Texture of the Blood and Vessels were broken by the vast Quantity taken away, and a Mortification of the Ulcers in the Throat naturally followed; as Nature had not sufficient Strength left, to stimulate the Blood, and keep it in its proper Motion; besides, the Regimen of
Dyet

Dyet prescribed by the Doctor, was quite preposterous; Milk is naturally hot, and as it is of the Nature of prepared Chyle, turns too soon to Aliment, to be proper in those Diseases, which require the Patient to be kept low; upon the whole your Lordship will be of Opinion, that Nature itself would have operated a Crisis, had she not been interrupted by the Doctor; and that the excessive Bleeding and Purg-
ing, only hastened the Approach of his Angel of Death; therefore we hope your Lordships will find the Prisoner guilty, in order to deter others from following their own Conceits, in Cases where the Life of a Subject is concerned.

Council for the Prisoner.

My Lord, the Charge against our learned Client, as open'd by my Brother the Attorney General, is of a very deep Nature; but I hope we shall convince this august Court, that the whole Prosecution is founded upon Malice, and has no other Foundation; but the Envy of some of the Doctors Brethren, who can not with any
Patience

Patience, see any Reformation in their old Practice; they are Men so wedded to old antiquated Opinions, and superannuated Customs, that the strongest Reason cannot convince their Understandings, or the most glaring Truths, have any Influence upon their obstinate Minds, they are all a Parcel of old Women, who have learned a Sett of Notions from their Grandmothers, which they argue upon without Reason; and put in Practice necessarily on all Occasions, and are now so old, that like Children they cannot walk without Leading-strings.

Your Lordships are sensible, that its impossible to lay down any certain Rules for the Practice of Physick; they must differ as Constitutions, Times and Seasons, alter those Regulations, which might have been reasonable in the Days of our Grandfathers, are now out of Date; the Luxury of the present Age, the difference in Dyet, Exercise and Diversions of the present Generation, have produced a new Catalogue of Diseases, unknown to our Ancestors; and

and for which our antient Writers have not so much as dreamed of a Cure now; when the old Women of the Faculty meet with any such, they still persist in their old Recipes; and by that means killed thousands of his Majesty's Subjects every Day with Impunity; and that out of Laziness, that they will not be at the Trouble to search for new Cures to new Cases; now our Client has been more indefatigable, he has found out not only a Cure more expeditious for our old Native Distempers; but one that will totally eradicate all our exotick Diseases with which this great Empire abounds; he does not mean to keep this great Catholicon a Secret, he is proud of having this Opportunity of divulging it to Mankind, for whose Benefit he has laboured till he is grown expert in the *Profession*; his *Recipe* is short and eazy, its only *Bleed* and *Purge*: He apprehends the Reasonableness of this Practice, is like a self-evident Truth in the Mathematicks; all Diseases flow from peccant Humours, being mix'd with the Mass of Blood, which are so closely united to it, that they cannot be discharged by Perspirations

tions or other natural Secretions ; *but if you purge and bleed away all the Humours in the Body, we are sure none that are peccant will remain Quod erat Demonstrandum.* This answers all Cases, all Circumstances, Times, Seasons and Climates, and is an Improvement in Physick, for which we hope our Client will be rewarded with a Statue instead of a H——r.

They have made a deal of Pother about Sweating, but is it not plain, that alone would not have served the Patient ; when its well known that in Spite of all the Doctors Endeavours to hinder it, it increased immoderately, and yet produced no such wonderful Effects as they would attribute to it : Grant that Bleeding and Purging weakens ; so does Sweating ; our Client My Lord, apprehends, that if he had bled more plentifully, he would at least have got the better of the Fever some Days sooner than he did ; the Patient might have died its true, but that would not have been his Fault if he had used the Means to disburthen him of his

his Blood, where the Malady lay ; therefore we hope the Court will acquit the Prisoner.

Its not the Custom in that Country for the Judge to give a Charge as there is no Jury, but the Prisoner was ordered to withdraw, and in a little Time he was called back and acquainted with his Sentence, which we must beg of the Publick to excuse us from publishing.

F I N I S.



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